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**U.S. District Court**  
**Southern District of Illinois (East St. Louis)**  
**CIVIL DOCKET FOR CASE #: 3:04-cv-00372-DRH**  
**Internal Use Only**

AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

Wiggenhorn v. Equitable Life Assurance Society of the United States  
Assigned to: Judge David R Herndon  
Referred to: Mag/Judge Clifford J. Proud  
Cause: 28:1331 Fed. Question

Date Filed: 06/01/2004  
Jury Demand: Both  
Nature of Suit: 380 Personal Property:  
Other  
Jurisdiction: Federal Question

**Plaintiff**

**Matthew Wiggenhorn**  
*individually and on behalf of all others*  
*similarly situated*

represented by **Amelia F. Burroughs**  
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CERTIFIED TRUE COPY  
Norbert G. Jaworski, Clerk

BY: Deborah Weiss  
Deputy Clerk

DATE: 6/23/05

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V.

**Defendant**

**Equitable Life Assurance Society of  
the United States**

*Amended Complaint filed 6/10/05*

**TERMINATED: 06/10/2005**

represented by **Deborah A. Hawkins**  
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**Defendant****AXA Equitable Life Insurance****Company***formerly known as*Equitable Life Assurance Society of the  
United States

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/01/2004	<b>●<u>1</u></b>	NOTICE OF REMOVAL by Equitable Life Assurance Society of the United States from Madison County, Illinois State Court, case number 04-L-367. (Filing fee \$150.00 - receipt #300 97683 ) (Attachments: # <u>1</u> Civil Cover Sheet)(jmp) (Entered: 06/04/2004)
06/01/2004	<b>●<u>2</u></b>	COMPLAINT against Equitable Life Assurance Society of the United States , filed by Matthew Wiggenhorn.(jmp) (Entered: 06/04/2004)
06/07/2004	<b>●<u>3</u></b>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Sheila Finnegan for Equitable Life Assurance Society of the United States, Maggie J. Schneider for Equitable Life Assurance Society of the United States. \$200.00 fee paid, receipt number 300-97802 (dmw) (Entered: 06/08/2004)
06/09/2004	<b>●<u>4</u></b>	MOTION for Extension of Time to File Answer by Equitable Life Assurance Society of the United States. (Hunsaker, Richard) (Entered: 06/09/2004)
06/15/2004	<b>●<u>5</u></b>	ORDER OF RECUSAL. Judge Gerald B. Cohn recused as magistrate judge. Case reassigned to Judge Clifford J. Proud. Signed by Judge Gerald B. Cohn on 6/15/04. (myz ) (Entered: 06/15/2004)
06/28/2004	<b>●<u>6</u></b>	ORDER granting <u>4</u> Motion for Extension of Time to Answer . Signed by Judge Clifford J. Proud on 6/28/04. (dlr ) (Entered: 06/30/2004)
07/02/2004	<b>●<u>7</u></b>	MOTION to Dismiss by Equitable Life Assurance Society of the United States. Responses due by 8/2/2004 (Attachments: # <u>1</u> )(Hunsaker, Richard) Attachment #1, Exhibit to Motion to Dismiss rec'd in Clerk's Office on 7/6/04 (jmp) (Entered: 07/02/2004)
07/09/2004		***File Folder Created (jmp) (Entered: 07/09/2004)
07/27/2004	<b>●<u>8</u></b>	MOTION to Remand by Matthew Wiggenhorn. (Barash, Eugene) Modified on 7/29/2004 (car). (Entered: 07/27/2004)
07/27/2004	<b>●<u>9</u></b>	MEMORANDUM in Support re <u>8</u> MOTION to Remand filed by Matthew Wiggenhorn. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit)(Barash, Eugene) Modified on 7/29/2004 (car). (Entered: 07/27/2004)
07/27/2004	<b>●<u>10</u></b>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss by Matthew Wiggenhorn. (Barash, Eugene) Modified on 7/29/2004

		(car). (Entered: 07/27/2004)
08/05/2004	● <u>11</u>	MOTION to Stay <i>All Proceedings</i> by Equitable Life Assurance Society of the United States. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> )(Shultz, Robert) (Entered: 08/05/2004)
08/11/2004		***Motions No Longer Referred to Magistrate: <u>11</u> MOTION to Stay <i>All Proceedings</i> (skp) (Entered: 08/11/2004)
08/12/2004	● <u>12</u>	ORDER OF RECUSAL. Judge William D. Stiehl recused. Case reassigned to Judge David R Herndon for all further proceedings. Signed by Judge William D. Stiehl on 8/12/04. (jkb) (Entered: 08/12/2004)
08/19/2004	● <u>13</u>	MEMORANDUM in Opposition re <u>11</u> MOTION to Stay <i>All Proceedings</i> filed by Matthew Wiggenhorn. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit)(Barash, Eugene) (Entered: 08/19/2004)
08/23/2004	● <u>14</u>	ORDER denying <u>10</u> Motion for Extension of Time to File Response/Reply. Signed by Judge David R Herndon on 8/23/04. (klh) (Entered: 08/23/2004)
08/23/2004	● <u>15</u>	MOTION for Extension of Time to File Response/Reply as to <u>8</u> MOTION to Remand by Equitable Life Assurance Society of the United States. (Attachments: # <u>1</u> # <u>2</u> )(Hunsaker, Richard) (Entered: 08/23/2004)
08/24/2004	● <u>16</u>	ORDER denying <u>15</u> Motion for Extension of Time to File Response/Reply. Signed by Judge David R Herndon on 8/24/04. (klh) (Entered: 08/24/2004)
08/24/2004	● <u>17</u>	ORDER granting <u>11</u> Motion to Stay. Signed by Judge David R Herndon on 8/24/04. (klh) (Entered: 08/24/2004)
08/24/2004		***Set/Clear Flags (klh) (Entered: 08/24/2004)
03/23/2005	● <u>18</u>	MOTION to Lift Stay by Matthew Wiggenhorn. (Barash, Eugene) (Entered: 03/23/2005)
03/23/2005	● <u>19</u>	MOTION to Accelerate Briefing and Hearing on Motions to Lift Stay and Remand by Matthew Wiggenhorn. (Barash, Eugene) Docket text modified on 3/29/2005 (car). (Entered: 03/23/2005)
03/23/2005	● <u>20</u>	MEMORANDUM in Support re <u>8</u> MOTION to Remand, <u>18</u> MOTION to Lift Stay, <u>19</u> MOTION Accelerated Briefing and Hearing on Motions to Lift Stay and Remand filed by Matthew Wiggenhorn. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> # <u>5</u> Exhibit # <u>6</u> # <u>7</u> Exhibit)(Barash, Eugene) (Entered: 03/23/2005)
03/25/2005	● <u>21</u>	RESPONSE to Motion re <u>18</u> MOTION to Lift Stay, <u>19</u> MOTION Accelerated Briefing and Hearing on Motions to Lift Stay and Remand filed by Equitable Life Assurance Society of the United States. (Attachments: # <u>1</u> Affidavit Affidavit of Maggie Schneider)(Shultz, Robert) (Entered: 03/25/2005)

03/31/2005	● <u>22</u>	REPLY to Response to Motion re <u>18</u> MOTION to Lift Stay, <u>19</u> MOTION Accelerated Briefing and Hearing on Motions to Lift Stay and Remand filed by Matthew Wiggenhorn. (King, Robert) (Entered: 03/31/2005)
04/04/2005	● <u>23</u>	ORDER denying <u>18</u> Motion to Lift Stay and denying <u>19</u> Motion to accelerate briefing. Signed by Judge David R Herndon on 4/4/05. (klh) (Entered: 04/04/2005)
04/08/2005	● <u>24</u>	*ENTRY STRICKEN* Motion to Dismiss by Equitable Life Assurance Society of the United States. Responses due by 5/9/2005 (Attachments: # <u>1</u> )(Hunsaker, Richard) Additional attachment(s) added and text modified on 4/12/2005 (car). (Entered: 04/08/2005)
04/12/2005	● <u>25</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>24</u> Motion to Dismiss filed by Equitable Life Assurance Society of the United States. See attached document for specifics (car) (Entered: 04/12/2005)
04/12/2005		***striking <u>24</u> MOTION to Dismiss filed by Equitable Life Assurance Society of the United States. (car) (Entered: 04/12/2005)
04/12/2005	● <u>26</u>	MOTION for Order to <i>Grant Motion to Dismiss and Deny Motion to Remand</i> , MOTION to Set Briefing Schedule by Equitable Life Assurance Society of the United States. (Attachments: # <u>1</u> )(Hunsaker, Richard) (Entered: 04/12/2005)
05/19/2005	● <u>27</u>	ORDER LIFTING STAY. Signed by Judge David R Herndon on 5/19/05. (klh) (Entered: 05/19/2005)
05/19/2005	●	Suppl Brief ddl set 6/1/2005. (tjh) (Entered: 05/23/2005)
06/01/2005	● <u>28</u>	RESPONSE to Court's May 19, 2005 Order filed by Matthew Wiggenhorn. (King, Robert) (Entered: 06/01/2005)
06/02/2005	● <u>29</u>	NOTICE by Matthew Wiggenhorn of Filing of First Amended Complaint Without Leave of Court Pursuant to Federal Rule 15(a) (Zelcs, George) (Entered: 06/02/2005)
06/02/2005	● <u>30</u>	ENTRY STRICKEN BY ORDER AT DOC. #31: AMENDED COMPLAINT against Equitable Life Assurance Society of the United States, filed by Matthew Wiggenhorn.(Zelcs, George) Modified on 6/6/2005 (dmw). (Entered: 06/02/2005)
06/03/2005	● <u>31</u>	ORDER STRIKING FIRST AMENDED COMPLAINT <u>30</u> . Signed by Judge David R Herndon on 6/3/05. (klh) (Entered: 06/03/2005)
06/03/2005	● <u>32</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>29</u> Notice (Other) filed by Matthew Wiggenhorn and <u>30</u> Amended Complaint filed by Matthew Wiggenhorn. See attached document for specifics (dmw) (Entered: 06/03/2005)
06/08/2005	● <u>33</u>	AMENDED COMPLAINT against Equitable Life Assurance Society of the United States, filed by Matthew Wiggenhorn.(Zelcs, George) (Entered: 06/08/2005)



		06/08/2005)
06/09/2005	● <u>34</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>33</u> Amended Complaint filed by Matthew Wiggenhorn. See attached document for specifics (dmw) (Entered: 06/09/2005)
06/10/2005	● <u>35</u>	NOTICE by Matthew Wiggenhorn <i>of filing of First Amended Complaint</i> (King, Robert) (Entered: 06/10/2005)
06/10/2005	● <u>36</u>	AMENDED COMPLAINT against all defendants, filed by Matthew Wiggenhorn.(King, Robert) (Entered: 06/10/2005)
06/13/2005	● <u>37</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>36</u> Amended Complaint filed by Matthew Wiggenhorn. See attached document for specifics (myz ) (Entered: 06/13/2005)
06/21/2005	● <u>38</u>	RESPONSE to <u>28</u> Response <i>filed by plaintiff per Court Order of May 19, 2005</i> filed by Equitable Life Assurance Society of the United States. (Attachments: # <u>1</u> )(Hunsaker, Richard) (Entered: 06/21/2005)
06/23/2005	● <u>39</u>	Preliminary TRANSFER ORDER . Signed by Chairman of the Judicial Panel on Multidistrict Litigation on 6/16/05. (Attachment: # <u>1</u> Letter)(dmw) (Entered: 06/23/2005)
06/23/2005	● <u>40</u>	TRANSFER ORDER (Certified Copy): Case transferred to District of Maryland.. Signed by Chairman of Judicial Panel on Multidistrict Litigation on 6/16/05. (Attachment: # <u>1</u> Cover Letter from District of Maryland)(dmw) (Entered: 06/23/2005)
06/23/2005	● <u>41</u>	Letter to District of Maryland (dmw) (Entered: 06/23/2005)





**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

750 Missouri Avenue  
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East St. Louis, IL 62202  
618/482-9371

**Norbert G. Jaworski**  
Clerk of Court

June 23, 2005

United States District Court  
District of Maryland  
Northern Division  
4415 U.S. Courthouse  
101 West Lombard Street  
Baltimore, MD 21201

**FILED**  
**INDEXED** **ENTERED**  
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**JUN 27 2005**

**AT P** **TIME**  
**CLERK U.S.** **S. HIGI COURT**  
**DISTRICT** **MARYLAND**  
**BY** **DEPT**

RE: Matthew Wighenhorn v. Equitable Life Assurance  
SDIL Case No.: 04-372-DRH  
MDL No.: MDL 1586 (Your Civil No. 05-1674)

Dear Clerk:

Please be advised that a certified copy of the Transfer Order has been received from your district. Therefore, the above entitled action is transferred to your district for further proceedings pursuant to the rules of Procedure of the Judicial Panel on Multidistrict Litigation.

Enclosed is a certified copy of the docket sheet as requested.

Please acknowledge receipt of the docket sheet by returning a signed copy of this letter.

Sincerely,

Norbert G. Jaworski, Clerk

By: s/ Deborah Weiss  
Deputy Clerk

Enclosures

Receipt Acknowledged on:

By: \_\_\_\_\_